



**SHREWSBURY PLANNING BOARD
SHREWSBURY, MASSACHUSETTS**

MINUTES

Regular Meeting: January 6, 2005 - 7:00 P.M.

Location: Selectmen's Hearing Room - Municipal Office Building

Present: Melvin P. Gordon, Chairman
Stephan M. Rodolakis, Vice-Chairman
Jill R. Myers Clerk
Kathleen M. Keohane
Donald F. Naber

Also Present: Eric Denoncourt, Engineer/Planner

Mr. Gordon opened the meeting at 7:00 P.M.

1. Approved Minutes of December 2, 2004

The Planning Board approved the Minutes of December 2, 2004 as submitted, with Mr. Rodolakis and Ms. Myers abstaining, as they were absent from this meeting.

2. Signed bills.

3. Meetings and Hearings

7:00 P.M. Board Member Comments

- a) Mr. Gordon introduced the Board members and office support staff, since this was the first meeting of the year.
- b) Mr. Gordon commented on the work that the Planning Board has done in the recent years, working within the rules that are given to the Board by the Town Meeting and the Board of Selectmen, to manage growth, such as phasing and more in depth questioning of the proponents. He stated that he looks forward to anyone's ideas on how the Board can continue to do it better.

**7:05 P.M. Adams Farm (f.k.a. Stonewall Farm), Senior Housing
Special Permit and Site Plan Approval
Continued Public Hearing
(Site Plan Approval Deadline: 65 days from close of hearing)
(Special Permit Deadline: 90 days from close of hearing)**

Mr. Gordon stated that Mr. Perreault will sit as the alternate member for the Special Permit.

Attending the hearing were Andrew Liston, James Tetreault, James Bernardino – engineers from Thompson and Liston Associates, Inc., and Kevin Giblin – the developer from Brendon Properties, and Attorney Marshall Gould – the attorney representing Brendon Properties.

Mr. Tetreault said since the time of the last meeting the following things have taken place:

- 1) They've met with the Conservation Commission and made some progress on those issues;
- 2) They presented a revised set of construction sequence plans to the Conservation Commission. He said he spoke with Mr. Stone, and he had some minor suggested changes and items that they will include in their Order of Conditions if it's issued;
- 3) After meeting with the Conservation Commission they are going to move Building #16 so it is out of the Riverfront Area;
- 4) They are also moving Building #6 further out of the Riverfront Area;

Mr. Tetreault commented that they've made a lot of progress with the Conservation Commission in addressing their concerns. He said they are scheduled to meet again on January 18, 2005, and he hopes that the hearing will be closed and an Order of Conditions will be issued.

Mr. Tetreault said he submitted a plan showing possible improvements for sight distance at Adams Farm Road and Gold Street, which has a current sight distance of 270 feet looking westward. He said by lowering the hump in front of the Tuccinard Property they would increase sight distance from 270 feet to 292 feet, for a car coming out of Adams Farm Road to Gold Street, looking up Route 140. He said he felt this was a minor increase for the work, and also said this could cause a speed increase, and therefore doesn't necessarily gain any net safety benefit.

Mr. Tetreault said there is 300 feet of pavement sight distance looking eastward up Cherry Street, which is well in excess of what the traffic engineer said is required.

Mr. Liston discussed the pump station on Cherry Street. He said it is a station that is under a lot of stress and is overused for its original design. He said they have been meeting with the Engineering and Sewer Departments regarding the work. He said the proposal is to cut the roof off the building, pull the old pumps out and put in new pumps; and these pumps will pump at twice the rate of the current ones.

Mr. Perreault said one of the biggest concerns is the technical aspect of the landfill, and they will work with the town's consultants, Wheelabrator, and Thompson and Liston.

Mr. Giblin reviewed the letter dated January 6, 2005, from Brendon Properties, covering the following items: Phasing, House Phasing, Clubhouse, Stonewalls, Pavers, Abutters, Off-Site Mitigation, and Gold Street.

Mr. Giblin commented that the sewer fees for this project are \$333,000, and the water fees are \$113,000. He further commented that he is paying \$446,000 in fees to the Town and donating \$300,000 in off-site mitigation, and he's doing the work on the pump station. He said the Town is getting 90 units which are going to generate \$500,000 to \$600,000 a year in revenue; and stated they are putting no one in the school system.

Mr. Naber asked about the two units that are in the Riverfront area. Mr. Tetreault said they will be proposing to the Conservation Commission that they rotate both buildings #6 and #16.

Mr. Rodolakis asked for clarification on the number of buildings or units being built in the phasing. Mr. Giblin said they established with Mr. Denoncourt and Mr. Perreault that each building would be considered a unit or same as one house with a garage. He said the maximum they plan on building per year is 30 individual condos.

Mr. Rodolakis asked the status of the barn being used as a clubhouse. Mr. Giblin stated that it doesn't work because what the people seem to want these days is the best of everything, everything brand new. Mr. Tetreault reviewed the location and plans for the clubhouse and parking.

Mr. Rodolakis asked if the construction sequencing and phasing were being incorporated within the Order of Conditions by the Conservation Commission. Mr. Tetreault said yes it was. Mr. Rodolakis commented that if the Board voted for this project, they would want to incorporate by reference the Conservation Commission's Order of Conditions.

Mr. Gordon asked if it was still their intention to submit a Bond while the land was being stripped for utilities and for the road construction. Mr. Giblin said yes and it would be more than enough to be sure to cover a 100-year or 200-year storm.

David Adams, Gold Street, commented that overall he has been pleased with the developer, the Board, and the Engineering Department, for their hard work with him on this project and the way the Town has taken a position and protected the abutters. He said the project doesn't have any adverse effect (that he's heard) from anyone including town people.

Mr. Adams said a problem is being solved that the neighbors have on Cherry Street, which is flooding, which has been going on for years. He said Mr. Giblin is coming in and solving the problem.

Mr. Adams expressed some disagreement with the traffic report. He said he has lived in this area for over 40 years and said he's familiar with the way traffic comes over the hill, coming down and coming up. He said they petitioned maybe 15-20 years to get a 20 MPH speed limit, which they have on Gold Street. He commented that when they got the 20 MPH speed limit, they got it because they were told that would cut down traffic. He said, therefore, he would hate to see anything done to Gold Street to straighten out any of those curves because there will just be an increase in traffic.

Mr. Adams commented on the idea of going up Cherry Street, he said he didn't know if that's a good idea or not. He said he's not well enough versed to make a comment on that. He said he does know there might be other alternatives.

Mr. Adams said just to summarize, he thanked Mr. Giblin for his presentation, the way he's approached him and the other neighbors that he's appeased, and also thanked the Board for the way they handled themselves.

Mr. Gordon said there seems to be three outstanding issues:

- 1) Gold Street
- 2) Pump Station
- 3) Conservation Commission

The Board voted to close the hearing with conditions that the Conservation Commission Order of Conditions will be part of it, and they have to get resolution with the Sewer Commission.

Mr. Gordon officially closed the hearing.

**7:10 P.M. Green Hill Farm, Preliminary Subdivision
Informal Public Hearing
(Decision Deadline: January 14, 2005)**

Mr. Gordon said the Board is granted an extension to February 20, 2005 by Attorney Gould and Brendon Giblin.

Attending the hearing were Andrew Liston, James Tetreault, James Bernardino – engineers from Thompson and Liston Associates, Inc., and Kevin Giblin – the developer from Brendon Properties, and Attorney Marshall Gould – the attorney representing Brendon Properties.

Mr. Gordon read into the record comment letters from:

- 1) Sudbury Valley Trustees dated December 14, 2004
- 2) Sudbury Valley Trustees dated January 4, 2005
- 3) Francis and Debra Zarette dated January 3, 2005
- 4) John Knipe, Superintendent of Streets, dated December 16, 2004

Mr. Bernardino said Brendon Properties Five Realty Trust is currently under a Purchase Agreement with three property owners, and said joining those three properties would develop a track of land that would be consisted from South Street right through to Green Street.

Mr. Bernardino said this proposed preliminary subdivision plan consists of 40 residential lots, 39 of them being new; the 40th lot is going to be maintained under the ownership of Hook; there's an existing dwelling there.

Mr. Bernardino said they've developed a roadway scenario which connects Green Street to South Street, and said that roadway is approximately 2,750 ft. long of new roadway, along with two cul-de-sacs, servicing four residential lots, which are 250 ft. in length each.

Mr. Bernardino said there are two isolated wetlands located in that area. He said they will be required to file a Notice of Intent with the Shrewsbury Conservation Commission.

Mr. Bernardino said the project will be serviced by public water and sewer. He stated that this project will require a sewerage pump station, and they received Engineering comments regarding the location of that pump station; and they will be working out the details and type of system through the definitive process.

Mr. Bernardino said they are asking for a few waivers:

- 1) Waive the requirement of providing two sidewalks along proposed roadways, one sidewalk is requested;
- 2) Waive the requirement of 8% maximum road slopes, 10% road grades requested;
- 3) Waive the requirement of providing 2% leveling area for 50-feet at road intersections, 4% leveling area requested. He said the Engineering Department has commented on this request, and they aware of their concerns, so in the definitive phase they will no longer be requesting this waiver.

Mr. Bernardino said there are a couple other waivers that will be requested during the definitive phase, and they came on the recommendation of the Planning Board:

- 1) 26 foot wide pavement width;
- 2) installation of slope granite curbing versus vertical granite.

Mr. Gordon commented when the Master Plan was done, a reduction in cul-de-sacs in Town was requested, because cul-de-sacs weren't being put through as through streets, and they are harder to plow. He asked that in the definitive phase, they look at this to see if they can revise the lay-out.

Mr. Gordon asked Mr. Perreault his thought on the 10% grade in some of the areas. Mr. Perreault said generally they have no problem with 10% in a residential subdivision.

Mr. Gordon asked if they will be going to Engineering with calculations for the detention basins to see if they are large enough. Mr. Bernardino said that was correct, and it will be done at the definitive phase.

Mr. Giblin and Mr. Perreault said they will be looking at the excess overflow abutters are getting out on South and Brook Streets, and look at the size pipes out there, etc.

Ms. Keohane asked if Mr. Tetreault can give her examples of streets at 10% grades for her to go look at. He said he could.

Mr. Zarette stated that they are contributing a small portion of land in front at the South Street intersection of the proposed roadway. He said he would like Brendon Properties to consider a 25-foot no-cut zone along the entire property line that abuts the farm. He noted that he has dedicated 48 acres of his land to the Sudbury Valley Trustees, and has taken great care in mowing the area every year so that it doesn't grow into a wooded lot. He also noted that this farm area is not under 61A; he and all owners before him have paid their taxes on the property. He said he would just like to get some consideration for both himself and the abutters to work in harmony with the builders to come up with a compromise.

Mr. Gordon commented that by the definitive plan, hopefully, there can be some discussions, and if not, the Board will make some decisions.

Rebecca Ahlfors, 180 Green Street, said she has been living out there for 25 years, and asked if they had taken into consideration the property next to the wetland and across the street from it. Mr. Bernardino said when the definitive design gets developed; all affected parties within the drainage watershed area will be evaluated.

Ms. Ahlfors said she wanted to state for the record that it doesn't take very much for the water level to rise out there as it is now. She said they have been able to work everything out with the water levels as they rise now, but is concerned that to put a larger amount of strain, even at a slow rate, could seriously impact her property. She felt that measures beyond State regulations would need to be considered.

Moe DePalo, Chairman of the Board of Selectmen, 42 Floral Street, commented first as a resident, that he supported Mr. Zarette's request to have a 25-foot buffer along his property, and stated that the Selectmen were in support of his parcel going to the Sudbury Valley Trustees because of the scenic qualities and to preserve the site.

Mr. DePalo, as the Chairman of the Selectmen, commented that the Selectmen have not decided whether or not to exercise their right on the 61A for the Hook property. He said he doesn't think the Selectmen have seen the full offer yet, and they are working with Town Counsel.

Attorney Gould, said as the attorney for the applicant, that he is working with the attorneys for the Russell Property and Hook property, for the Purchase and Sale Agreement, and that he has just sent Attorney Leader a copy. He said if the 120-day period for decision has to be extended, they wouldn't have a problem granting it.

Attorney Gould restated to the abutters that this is a preliminary plan, and there is a lot more engineering work to be done for the definitive phase, so there will more opportunity for the neighbors' review and input.

Stan Trzoniec, 562 South Street, said he has been living out there 11 years, and commented that he didn't think that enlarging the pipe for increased water flow would help because the water drains into the wetland across the street and as soon as the wetland fills up it backs up.

Mr. Trzoniec commented that he supports the 25-foot no-cut boundary, first for privacy, and second because the deer and turkey move across their property every night; it's an old game trail from years ago, which starts at Ward Hill and goes to Grafton. He said something should be done so when they jump the wall, they have a place to run.

Mr. Trzoniec expressed concern about the location of the pump station and would there be extra screening. Mr. Bernardino said Engineering has already commented on the location of the pump station, and this will all be addressed during the definitive stage; and said the applicant would be willing to discuss extra screening, landscaping, etc.

Barbara Noeth, 556 South Street, listed her concern as written in her letter to the Board dated January 5, 2005.

Sue Colton, 559 South Street, said she supported the 25-foot no-cut zone and shares the concerns of the Trzoniecs regarding the pumping station. She said that her driveway is directly across from the proposed new road and expressed concern that drivers will not be able to figure out the end of the street and end up in her driveway or into one of the trees that borders her driveway.

Rita Zeffert, 180 Green Street, said she has lived out there for 26 years. She said when they built, they worked very diligently with the Town, Board of Health, Conservation Commission, and EPA to make sure she was in compliance with all regulations. She said she was required to bring in tons of acres of dirt to build an above ground septic system. She said at this point the water table around her house is okay; she has not had water problems in her house. She expressed concern of increased water problems from the new houses; she is afraid her property will be ruined. She said she does understand everybody has the best of intentions.

Ms. Zeffert also commented that Hunters' Park across the street from her house is considered to be one of the better places to go hunting for deer. She said she understands the deer need someplace to go, and also that she hoped the Town would somehow see the benefit as Town and community to preserve at least one corner of Shrewsbury for people to build their homes in a remote part of town.

Attorney Gould commented that they are just hearing these concerns for the first time and will address them in the definitive plan.

George Cassanelli, 566 South Street, said he supported the 25-foot no-cut zone, because he wouldn't like the setting change. He also expressed concern for the deer and turkey that are out there.

Jeff Johnson, 75 Green Street, asked if he would be able to tie into the sewer line. Mr. Perreault said this needs to be looked at.

Steve Roberts, 46 Brook Street, expressed concern about the capacity of the current sewer system. Mr. Perreault explained about the sewer pump station that was installed at Walnut Street and Route 20 as part of the Southwoods project, and about the Sewer Allocation Study being conducted at the treatment plant.

Mr. Bernardino asked for the Board's thoughts on the 10% grade waiver. He noted Engineering's comments that they felt it was a reasonable request. Mr. Rodolakis said he didn't have a comment at this time, and noted Ms. Keohane's request to look at other 10% grades, and also noted that what they state at the preliminary can be changed at the definitive. Mr. Gordon said his feeling would be not to exceed and try to stay closer to the 9%.

Attorney Gould said he understood that the Board didn't want to make a decision on this at this time, and stated that they are willing to take all the comments to the definitive phase and begin working on the definitive plan.

Mr. Giblin said they studied the cul-de-sacs, and commented that if they did pork chop lots, they would not look good and the houses would be right in back of each other. He said he would consider the requests for the 25-foot no-cut/no-build zone. He commented that it would be the direction of his company to build a home and make sure there's enough backyard so that people can enjoy their yards, before they start restricting and giving land away.

Mr. Rodolakis asked Mr. Giblin if he wanted the Board to close this hearing, and Mr. Giblin said yes, then he could get working on the definitive and get all the definitive answers that were being asked at this preliminary hearing.

The Board voted and Mr. Gordon officially closed the hearing subject to engineering's comments being answered and the waivers being addressed: 10% waiver; slope granite; one sidewalk (Mr. Gordon commented that he didn't think there was anybody on the Board that was going to approve one sidewalk); the leveling area – the Board's not going to give them the 4%; the pavement width – 26 ft. of pavement with the slope granite; and the Board expects the applicant to understand two things: 1) that the applicant is at risk because of the 61A situation, and 2) that what the Board gives at the preliminary, the Board can take away at the definitive. Attorney Gould said they were okay with all of that.

**7:25 P.M. Grand View, Definitive Subdivision
Public Hearing
(Decision Deadline: February 10, 2005)**

Attending the hearing were Attorney David Brown – owner and the developer, Chris Cutler – Cutler Brown Development, and John Bensley – the engineer from Beals and Thomas, Inc.

Attorney Brown said this was essentially the same plan as they had three definitive hearings on last Spring; there were a series of issues that the Board and the Engineering Department had brought up. He said his former engineers seemed unable to deal with those issues, which resulted in a change of engineers, a delay, a request that they withdraw the plan, which they did back in October and then resubmitted it in November, for two reasons: because such a long time had elapsed between the prior public hearing and because the Board had changed and they had a very small quorum for decision purposes.

Attorney Brown said they are requesting three waivers: for a slope granite curbing, rather than vertical; the second is a request that they receive a waiver from the 600 foot maximum length of cul-de-sac (this plan shows a 50 foot reduction from the prior plan, but is still a 710 foot dead end cul-de-sac, which exceeds the town's requirement); and the third requested waiver is to reduce the pavement width from thirty to twenty-six feet (the same right-of-way width of 50 feet would apply).

Mr. Bensley said this is an 8 acre site, in Rural A zoning district, with 8 single family residential homes with driveways, and it complies with all of the zoning setbacks and other requirements of zoning and subdivision rules and regulations, other than the waivers that Attorney Brown listed.

Mr. Bensley said some wetlands were identified at the southern end of the site and these have been added to the plan, and a filing will be made with the Conservation Commission.

Mr. Bensley said the most significant aspect that's changed on this plan is the drainage system design and utilities for the site plan. He explained the changes. He also provided calculations in accordance to the D.E.P. Stormwater Management Policy to recharge groundwater and treat Total Suspended Solids, and not increase the volume of run-off.

Mr. Bensley said they also modified the plan for sewer routes and drainage.

Mr. Bensley said gas, water, electric, and telephone will all be underground.

Mr. Bensley reviewed some of the previous comments, as well as the additional comments received from Engineering. He said he didn't think any of them are of significance, and they can address them without modifying the overall design of the subdivision.

Mr. Gordon read into the record the comment letter from the Highway Superintendent, John Knipe, dated December 17, 2004.

Attorney Brown said in terms of the Deed for the drainage issue, he would make that the responsibility of the individual homeowners. He said he was also aware that mailboxes have to be at the end of the cul-de-sac; he's aware that the Town is moving to make the developer responsible for all maintenance during construction; and that the Fire Chief is asking for a hydrant in the cul-de-sac at "9:00."

Mr. Rodolakis commented that it seemed like a large amount of grading on not a very large site, and expressed concern for the tremendous amount of grading on the lower lots. He said he was satisfied to hear that they've attempted to balance where the stormwater flows between the detention basin at the end of the cul-de-sac and the existing drainage by the abutters over on Niblick Road, but has concerns about stormwater.

Mr. Gordon asked if the Vortech unit in the cul-de-sac will be sized enough to get a scoop in there. Mr. Bensley said yes; it is sized in accordance with the manufacturer's recommendations.

Mr. Gordon said one of Mr. Denoncourt's comments was regarding the strip to the Bushey property be deeded as a right-of-way to the Town. Attorney Brown said that was fine.

Mr. Gordon said he has the same concerns as Mr. Rodolakis about drainage, especially down toward the house that was built previously and into the Ermilios' backyard. Mr. Bensley said one thing that will help significantly with some of the concerns on drainage is the sequencing for construction; they are putting in an interceptor swale along the western boundary of this property. He said they can agree to construct that as one of the first steps in the process so that they are eliminating all that off-site run-off that comes down.

Mr. Gordon asked Attorney Brown if he was still intending to do the improvements to High Street. Attorney Brown said they are going to regrade that corner so that there is visibility around that corner.

Mr. Denoncourt said Attorney Brown is asking the Board to waive the filing fee for this submittal, since a fee was already paid for the original filing. He said the Board had to vote whether or not to waive or reduce a filing fee. Attorney Brown noted that it was to some extent to his benefit to withdraw because there was a small quorum, but the Board did ask if he would withdraw it so he could re-notice the abutters. Mr. Rodolakis said he needs to request this in writing. Attorney Brown said he would do this.

Don Gray, 26 High Street, asked if the configuration of the lot on the southwest corner had changed. Mr. Bensley said the property line changed a little. He said there used to be open space back there, but on the request of the Board, they've divided the open space between Lot #5 and Lot #6; and the right-of-way, which is Parcel E, will be deeded to the Town.

Mr. Gray noted that water flows from the top of the hill, southeast, and some of it ends up by 40 and 46 High Street, and follows behind the stone wall.

Mr. Gordon continued the hearing to March 3, 2005, at 7:05 P.M. Attorney Brown signed the extension letter to extend the decision time to April 15, 2005.

**7:40 P.M. Webster Five Cent Savings Bank
Public Hearing
(Decision Deadline: 65 days from close of hearing)**

Attending the hearing were Attorney Kevin Byrne – the attorney representing Nicholas Aoude – the owner of the property; Attorney Michael Jalbert – the attorney representing Webster Five Cent Savings Bank; Paul Dees – Vice President at Webster Five Cent Savings Bank; Kevin Quinn – the engineer from Quinn Engineering; and Jordan O'Connor – the architect from Jordan O'Connor and Associates.

Attorney Byrne said they appeared informally before the Board back in October, for some input regarding their plans. Following that, on October 26, 2004, they appeared before the Zoning Board of Appeals because they needed a variance to do this Commercial Use in the Residential Zone, as well as needing other variances of a technical nature with reference to lot size, open space, and the parking landscape aspect. He said they received all the approvals that were necessary from the ZBA. He said the ZBA Decision has not been appealed.

Mr. Quinn said the plan that they are presenting at this meeting is pretty much identical to the plan they showed in October 2004. He said they had a survey done on the property, so some of the dimensions are a little bit adjusted.

Mr. Quinn said one issue of Engineering was the queue for the ATM and Teller windows could inhibit circulation of traffic internally on site. They looked at being able to provide a third lane. He said after spending a lot of time looking at the site plan and design, they didn't feel there was the likelihood of a significant back-up occurring at the ATM machine, and that the duration of a back-up is relatively low. He said with two cars in the queue, a car can get around, but a third car would have to wait for a short time.

Mr. Quinn said they have proposed to use a detector light; a light will come on at the corner of the building telling people when they will be met with traffic. He said from a community standpoint, the likelihood of anything taking place that would impact traffic on the street; it's not really a reasonable scenario.

Mr. Quinn said from a public safety standpoint, there's a standing rule that they are obliged to provide paved access to two sides of the building for emergency access. He commented that this site has access all the way around, so from a safety standpoint, this site more than accommodates standard expectations of public safety access.

Mr. Quinn said another issue was snow storage. He said they are showing snow storage that is on this property, not in the right-of-way. He said snow will be pushed over the wall and there will be a 4-foot high chain link fence to stop it; and it will be on their property, not within the right-of-way.

Attorney Byrne said there is a necessity for a drainage easement that runs from Grafton Circle over to Grafton Street even though there is a culvert now; and said Mr. Aoude will give the Town whatever appropriate drainage easement that the Town wants.

Mr. Gordon expressed concern for the snow storage and the possibility of it spilling over the second wall and said it could then ice up under the bridge.

Mr. Gordon and Ms. Keohane expressed concern for the location of the dumpster. Attorney Byrne said Mr. Aoude said he would have no problem with doing an accommodation to his tenant to put that dumpster on his property.

Mr. Gordon asked that now that they are aware that there is a second wall, have they considered a drain in that area in between the two walls. Mr. Perreault said he can meet with them to go over the plans for this.

Mr. Perreault asked Mr. Quinn to comment on the recharge being provided on the site; and Mr. Quinn explained this and where the stormwater was going in the parking lot. Mr. Gordon asked that since this is a private system, they would be giving the Town a maintenance schedule of how it's going to be done. Mr. Quinn said yes.

Mr. Gordon officially closed the hearing, with the understanding that the conditions from the Zoning Board of Appeals will be part of the Planning Board's decision, and the Engineering items must be satisfied.

Mr. Quinn asked the timeline for a decision, stating they are trying to pursue applications with FDIC and a few other banking authorities. The Board agreed they didn't have a problem voting on it at this time. Mr. Denoncourt said they would vote subject to a written decision incorporating the comments, incorporation the ZBA decision, etc. Mr. Gordon said this decision would be signed at the February 3, 2005 meeting.

The Board voted to approve the Site Plan of the Webster Five Cent Savings Bank subject to a written decision to the Board's satisfaction, subject to the applicant's resolution to Engineering issues, including but not limited to drainage and location of the dumpster, and incorporating by reference the Zoning Board of Appeals approval of a variance granted on October 26, 2004.

4. New Business

a. Discussed Petition Request for Zoning Changes along Route 20

Mr. Rodolakis abstained from the discussion due to possible conflict of interest. Mr. Gordon said this petition will be coming before the Board for public hearing next month. Mr. Denoncourt said the Board has to hold a public hearing within 65 days after the filing of a petition. Mr. Gordon asked the Board if they wanted to hold a separate hearing or put it on February 3, 2005. The Board agreed to hold it on February 3, 2005.

Mr. Gordon said the Board may also be presented with another proposal for that same issue brought to them by the Town. He said the proponents have one idea, the Town may have another. He commented that when the Master Plan was done, there was some discussion of the types of commercial business and this might be a place to further identify the types of commercial business that might be in that area.

Mr. Gordon said the petition is being brought forward by Mr. St. Pierre and Mr. Farrell, and said that Mr. Farrell has four two-acre lots and Mr. St. Pierre has three much larger lots. Mr. Naber said the Vincequeres also have two lots in there as well up by Mr. Farrell's lots, near the Connector Road.

b. Stone Meadow Farm Subdivision, Bond Transfer

Mr. Denoncourt said there is one lot remaining within the subdivision and David Donahue, of Westview Construction, is taking over the development of that final lot and the remaining work in the subdivision. He said Mr. Donahue is providing a new cash bond for the subdivision and then the old bond is to be released.

The Board voted to allow the release of the old bond for Stone Meadow Farm. The Board then voted to accept the new cash bond for Stone Meadow Farm, and allow Mr. Gordon to assent to the Bond.

c. Old Stolpe Farm, Request for Bond Reduction

Mr. Gordon said it is the recommendation of the Engineering and after review by Mr. Gordon, that this bond reduction request not be allowed.

The Board voted to deny the requested bond reduction because of work that needed to be done, and signed the letter as written.

5. Old Business

a. Discussed/Signed Decision for Burokas-Ducharme Preliminary Subdivision

The Board voted to allow Mr. Gordon to sign the decision for Burokas-Ducharme as written.

b. Executive Session to Discuss Pending Litigation

6. Correspondence

Executive Session:

Motion was made and seconded to enter into Executive Session to discuss pending litigation, not to reconvene at the close of the executive session. Roll call vote was as follows: Naber – yes, Keohane – yes, Rodolakis – yes, Myers – yes, Chairman Gordon – yes.

Respectfully Submitted,

Annette W. Rebovich